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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/200,631 11/30/98 ASHTON

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QWEST COMMUNICATIONS INTERNATIONAL INC
LAW DEPT INTELLECTUAL PROPERTY GROUP
1801 CALIFORNIA STREET, SUITE 3800
DENVER CO 80202

EXAMINER

ENG. G

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

07/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/200,631

Applicant(s)
Ashton et al.

Examiner
George Eng

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 19, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 20) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed 4/19/2001 (paper no. 7).

Information Disclosure Statement


2. The information disclosure statement filed 5/7/2001 (paper no. 8) has been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).



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4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigham et al. (US PAT. 5,740,075 hereinafter Bigham) in view of Skinner, Sr. (US PAT. 5,355,401 hereinafter Skinner).

Regarding claim 1, Bigham discloses a system for powering a fiber optic communication network which transmits communication data between a telephone company central office and a remote user device as shown in figure 3. The system comprises an optical network (ONU 1210) functioning as a digital subscriber line access multiplexer for converting the communication data from a digital optical state to a digital electrical state (col. 21 lines 25-23), a fiber optic communication medium (1190) configured to transfer the communication data between the telephone company central office (1333) and the digital subscriber line access multiplexer (col. 20 lines 41-42 and col. 26 lines 31-46), a power source (1211) and a battery reserve power configured to supply an electrical supply voltage to power the digital subscriber line access multiplexer, and an electrical conducting medium (1215) configured to conduct the electrical supply voltage and the communication data from the digital subscriber line access multiplexer to a network interface device in electrical communication with the remote user device (col. 21 lines 8-13 and col. 26 lines 55-59). Bigham differs from the claimed invention in not specifically teaching that the power source has an AC power feed for providing power and the battery reserve power for providing power when the AC power feed is not supplying power. However, Skinner teaches a power supply (32) having an AC power feed from input connection (33) for providing AC power and a DC power feed (35) for providing power when the AC power feed is not supplying power (col. 5 lines 26-64). Therefore, it

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would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bigham in having AC power feed for providing power and the battery reserve power for providing power when the AC power feed is not supplying power, as per teaching of Skinner, because it improves reliability of the system in order to provides additional hours of normal operation of all equipments even though the main AC power feed is interrupted.

Regarding claim 2, Bigham discloses the system comprising a serving area configured to provide an access point to connected plurality of communication signals from the digital subscriber line access multiplexer to the electrical conducting medium (figure 3B).

Regarding claim 3, Bigham discloses the system comprising a digital loop carrier for providing a plurality of digital communication data to the digital subscriber line access multiplexer (figure 3A).

Regarding claims 4-7, Skinner disclose that the power source (35) is located proximate to the power supply (32), and the power source (33) is located remote from the power supply (figure 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bigham in having power source (1211) located proximate to the digital subscriber line access multiplexer or located remote from the digital subscriber line access multiplexer, as well as located proximate to the telephone company central office or a digital loop carrier based upon the design purposes.

Regarding claims 8-10, Bigham teaches the remote user device comprising telephone (1219), a computer (1217), and a television (figure 3B).

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Regarding claim 11, Skinner discloses the power source comprising a plurality of rectifiers, a plurality of converters, a plurality of current limiters, and a plurality of batteries configured to supply DC voltage to the digital subscriber line access multiplexer (figure 3 and col. 5 lines 28-64).

Regarding claims 12-13, Skinner teaches that the power supply (32) having a relay (34) to connect batteries (35) instead of main power connection (33) when the main power no longer appears at input connection (col. 5 line 56 through col. 6 line 10) such that it would have been obvious of Skinner in having means for monitoring the operation of the power source in order to operate the relay automatically.

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Response to Arguments

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

GEORGE ENG

July 11, 2001


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600